IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15320 of 2004

Between:

M/s. Sri Sivasakthi Traders, Allipuram, Nellore, Represented by its Proprietor
Sri K. Perapa Naidu, S/o. K. Sanjeeva Naidu, aged 43 years
R/o. Nellore.

..... PETITIONER

AND

1 The Commercial Tax Officer No. I, Nellore.
2 The Appellate Deputy Commissioner (CT) Guntur Division, Guntur.
3 The Addittional Commissioner (CT) Legal, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, by extending time of 6 weeks already granted on 7-7-2004 in W.P.No. 6113 of 2004 upto the end of March 2005 for the payment of half of the disputed tax liability.

Counsel for the Petitioner:MR.CH.CKRISHNA REDDY, Advocate.

Counsel for the Respondents : GP FOR COMMERCIAL TAXES.

The Court at the stage of admission, made the following :

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ORDER : (per Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent, the Writ Petition is disposed of at this stage.

Pending appeal, application for stay was dismissed by the competent authority. That was challenged before this Court in Writ Petition No.6113 of 2004. At admission stage, with the consent of the parties, we disposed of the Writ Petition granting stay till the disposal of appeal subject to deposit of half of the liability within a period of six weeks. Our order has not been complied with and a fresh writ petition has been filed seeking extension of time granted by us for deposit of the half of disputed tax liability.

We do not understand how the Writ Petition is maintainable and what is the cause of action for the petitioner to come to this Court. Writ Petition is misconceived, which is accordingly dismissed. No costs.

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(BILAL NAZKI, J)

30th August, 2004.

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(S.ANANDA REDDY, J)

ajr

To

1 The Commercial Tax Officer No. I, Nellore.
2 The Appellate Deputy Commissioner (CT) Guntur Division, Guntur.
3 The Addittional Commissioner (CT) Legal, Hyderabad.

4 Two C.Cs. to the Government Pleader for Commercial Taxes, High

Court Buildings, Hyderabad (O.U.T)

5 Two C.D. copies.